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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,313	02/17/2004	Daniel Opperman	G08.072/U	1068

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BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

EXAMINER

ALI, MOHAMED HATEM

ART UNIT	PAPER NUMBER
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3692

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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,313	Applicant(s) OPPERMAN ET AL.	
	Examiner Mohamed H. Ali	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1-19**, drawn to process for displaying financial instrument trading information on a screen, receiving user menu and displaying a second menu, classified in class 705, subclass 35.
 - II. **Claims 20-23**, drawn to process for displaying a first order type menu and a second order type menu, classified in class 705, subclass 35.
 - III. **Claims 24-33**, drawn to apparatus as a medium storing processor-executable process steps to display financial instrument, to receive user input and to display a second menu, classified in class 705, subclass 41.
 - IV. **Claims 34-37**, drawn to apparatus as a processor, a storage device to display and to receive user input, classified in class 705, subclass 41.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions (I to II) and (III to IV) are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by

hand, AND the apparatus as claimed can be used to practice another and materially different process such as email or multimedia enjoyment (DVD's, MP3's, etc.).

3. Inventions I - II are directed to related inventions. The related inventions are distinct if (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See (MPEP § 806.05(j)). In this case, the inventions as claimed have a materially different design, mode of operation, function, or effect. Furthermore, the inventions as claimed do not encompass overlapping. Subject matter and there is nothing of record to show them to be obvious variants.

4. Inventions III - IV are directed to related inventions. The related inventions are distinct if (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See (MPEP § 806.05(j)). In this case, the inventions as claimed have a materially different design, mode of operation, function, or effect. Furthermore, the inventions as claimed do not encompass overlapping. Subject matter and there is nothing of record to show them to be obvious variants.

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction were not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction were not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

7. Upon election of invention I only Applicant is required to elect from one of the following patentably distinct species:

7a. The embodiment wherein the displayed financial instrument trading information includes respective quotations for a plurality of financial instruments as set forth in, for example, **claim 3**

7b. The embodiment, wherein the displayed financial instrument trading information includes information concerning at least one financial instrument trading order as set forth in, for example, **claim 5**.

7c. The embodiment wherein the displayed financial instrument trading information includes respective quotations for a financial instrument at a plurality of order destinations as set forth in, example, **claim 7**

8. The species are independent or distinct because they require limitations that do not overlap in scope and there is nothing of record to show them to be obvious variants.

The Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim 1** appears generic.

9. The application contains claims directed to the following patentably distinct species:

9a. The embodiment wherein the first order parameter is a financial instrument trading symbol and the second order parameter is an order destination as set forth in, for example **claim 10**

9b. The embodiment, wherein the first order parameter is an order destination and the second order parameter is an order type as set forth in, for example **claim 11**

10. The species are independent or distinct because they require limitations that do not overlap in scope and there is nothing of record to show them to be obvious variants.

The Applicant is required under 35 U.S.C. 121 to elect a single discloses species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim 1** appears generic.

11. The application contains claims directed to the following patentably distinct species:

11a The embodiment wherein the displayed financial instrument trading information includes respective quotations for a plurality of financial instruments. as set forth in, for example, **claim 15**.

11b The embodiment, wherein the displayed financial instrument trading information includes respective quotations for a financial instrument at a plurality of order destinations. as set forth in, for example, **claim 17**.

12. The species are independent or distinct because they require limitations that do not overlap in scope and there is nothing of record to show them to be obvious variants.

The Applicant is required under 35 U.S.C. 121 to elect a single discloses species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim 13** appears generic.

13. Upon election of invention **III** only Applicant is required to elect from one of the following patentably distinct species:

13a. The embodiment, wherein the displayed financial instrument trading information includes respective quotations for a plurality of financial instruments as set forth in, for example claim **25**

13b. The embodiment, wherein the displayed financial instrument trading information includes respective quotations for a financial instrument at a plurality of order destinations as set forth in, for example **claim 27**.

14. The species are independent or distinct because they require limitations that do not overlap in scope and there is nothing of record to show them to be obvious variants.

The Applicant is required under 35 U.S.C. 121 to elect a single discloses species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim III** appears generic.

15. The application contains claims directed to the following patentably distinct species:

15a. The embodiment, wherein the first order parameter is a financial instrument trading symbol and the second order parameter is an order destination as set forth in, for example **claim 29**

15b. The embodiment wherein the first order parameter is an order destination and the second order parameter is an order type as set forth in, for example, **claim 30**

16. The species are independent or distinct because they require limitations that do not overlap in scope and there is nothing of record to show them to be obvious variants.

The Applicant is required under 35 U.S.C. 121 to elect a single discloses species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, **claim III** appears generic.

17. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

18. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103 (a) of the other invention.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 8.00 to 6.00.

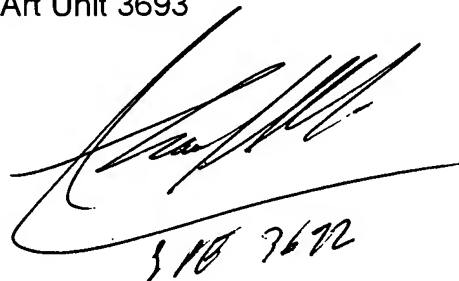
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali
Examiner
Art Unit 3693

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